

# BOARD OF COUNTY COMMISSIONERS

## AGENDA ITEM SUMMARY

Meeting Date: 19 May 2004 Division: Growth Management

Bulk Item: Yes ☐ No ☒ Department: Marine Resources

### AGENDA ITEM WORDING:

First and only Public Hearing concerning an Ordinance amending Chapter 5.5-108 (d), Boats Docks, and Waterways to eliminate the "No Anchor Zone" regulatory category and insert a "Motorboats Prohibited" category and to establish Veradero Beach as a Motorboats Prohibited zone.

### ITEM BACKGROUND:

The BOCC adopted Ordinance 40-2003 making Veradero Beach, in Key Largo, a No Anchor Zone. This regulatory zone category, though adopted by the Board, does not fit the State of Florida Uniform State Waterways Marking System as specified in Part 62, of Title 33, of the Code of Federal Regulations (CFR). The state would not permit a No Anchor Zone. Instead the State suggested the adoption of a "Motorboats Prohibited" zone which is provided in the specified CFR. The State acknowledges that the Veradero Beach area is a problem.

### PREVIOUS RELEVANT BOCC ACTION:

November 2003 – Ordinance 40-2003

April 2004 - Approval to Advertise proposed ordinance amendment

### CONTRACT/AGREEMENT CHANGES:

NA

### STAFF RECOMMENDATIONS;

Approval

TOTAL COST: NA

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: NA

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes ☐ No ☒ AMOUNT Per Month  Year

APPROVED BY: County Atty ☒ OMB/Purchasing ☒ Risk Management ☒

DIVISION DIRECTOR APPROVAL: Timothy McGarry  
Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included ☒ To Follow ☐ Not Required ☐

DISPOSITION:

AGENDA ITEM NO.: Q4

**ORDINANCE NO. 2004**

**AN ORDINANCE OF THE MONROE COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 5.5 MONROE COUNTY CODE (BOATS, DOCKS, AND WATERWAYS), TO DELETE SEC. 5.5-1 (I) THE DEFINITION OF A "NO ANCHOR ZONE," TO CREATE THE DEFINITION SEC. 5.5-1 (k) OF A "MOTORBOAT," TO MODIFY 5.5-108 (D) "NO ANCHOR ZONE" TO READ "MOTORBOATS PROHIBITED" ZONE, AND TO ESTABLISH VARADERO BEACH AS A "NO MOTORBOAT ZONE," PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCE CLAUSES, PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE, PROVIDING FOR AN EFFECTIVE DATE**

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**WHEREAS**, the shallow waters adjacent to the shoreline at what is locally known as Varadero Beach on the bayside of Key Largo have become inundated with boaters anchoring and creating a health and safety nuisance as well as a quality of life issue for the adjacent property owners; and

**WHEREAS**, Monroe County owns a parcel on the cove at Varadero Beach which is impacted by the boating aggregations as well; and

**WHEREAS**, the County adopted Ordinance 40-2003 to protect the area as a "No Anchor Zone;" and

**WHEREAS**, the State of Florida would not permit a "No Anchor Zone" as the adopted zone would not fit the Uniform State Waterways Marking System as specified in Part 62, of Title 33, of the Code of Federal Regulations (CFR); and

**WHEREAS**, the state has agreed in principle that the County's concern is legitimate and indicates that a "Motorboats Prohibited" zone would be a more appropriate regulatory zone for the situation, which is identified in the Part 62, Title 33, CFR, now, therefore,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA THAT** the following revision is made to Chapter 5.5, Monroe County Code:

Section 1. Sec. 5.5-1 Definitions, is hereby amended to delete sub-section (I) the definition of "No Anchor Zone.

Section 2. Sec. 5.5-1. Definitions, is hereby amended to add the following definition:

(k) *Motorboat* means any vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation. This definition is synonymous with the definition of motorized vessel

[renumber accordingly in code book]

Section 3. Sec. 5.5-108 (d) Boat restricted zones is hereby amended to read as follows:

(d) *Motorboats Prohibited Zones.* No motorboat as defined herein shall enter an area established by County Ordinance as "Motorboat Prohibited Zone".

- (1) Varadero Beach: To include an area within three hundred (300) feet of shore along the cove on the bayside of Key Largo, known as Varadero Beach at approximately mm 95.6 bayside and as shown graphically in the attached map. Kayaks, canoes and similar exclusively human powered vessels are allowed in this zone.

[renumber accordingly in code book]

Section 4. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 5. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 6. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 7. This Ordinance shall be filed with the Office of the Secretary of State of the State of Florida, and will take effect upon receipt by that agency.

**PASSED AND ADOPTED** by the Board of County Commissioners, Monroe County, Florida at a regular meeting of said Board held on the 21st day of April, A.D., 2004.

Mayor Murray E. Nelson	_____
Mayor Pro Tem David P. Rice	_____
Commissioner George Neugent	_____
Commissioner Charles Sonny McCoy	_____
Commissioner Dixie Spehar	_____

BOARD OF COUNTY COMMISSIONERS  
MONROE COUNTY, FLORIDA

BY: \_\_\_\_\_  
MAYOR/CHAIR PERSON

(SEAL)

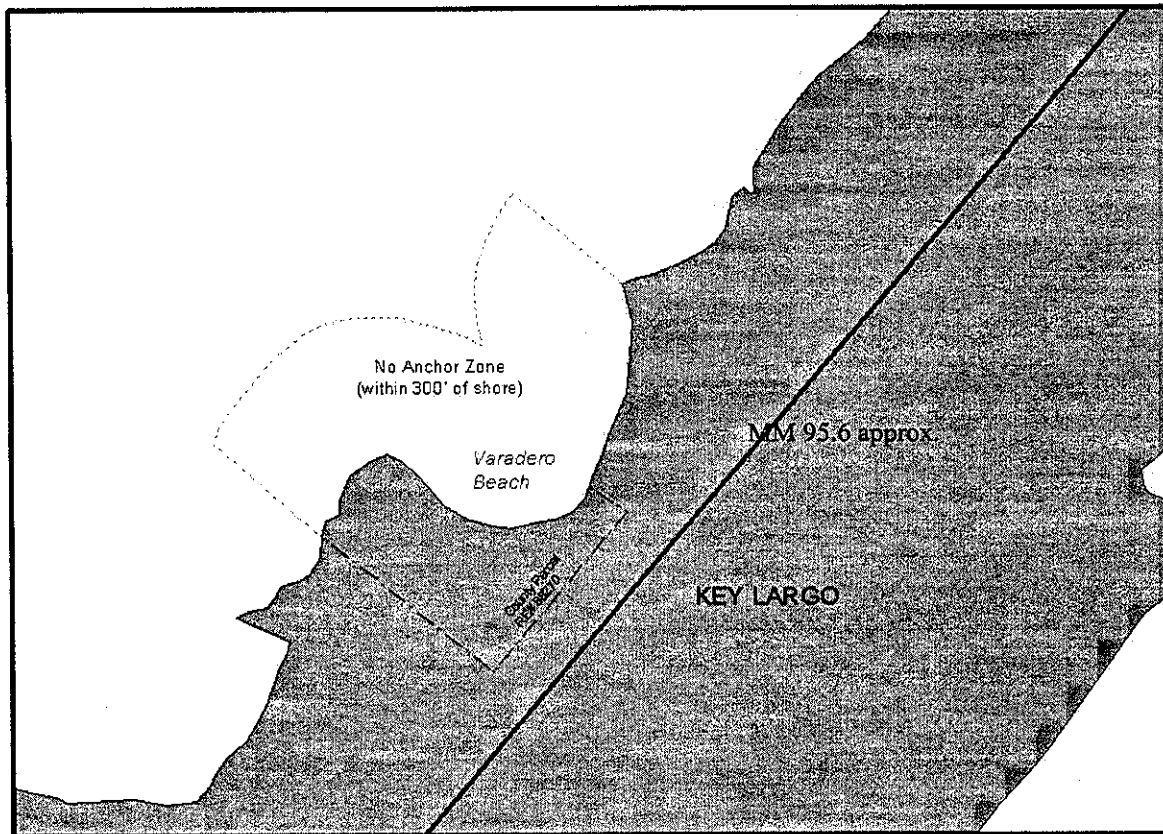
ATTEST: DANNY L. KOLHAGE, CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

APPROVED AS TO FORM ~~AND~~  
~~LEGAL SUFFICIENCY~~

BY:  \_\_\_\_\_  
ATTORNEY'S OFFICE

Varadero Beach  
NO ANCHOR ZONE



0.1 0 0.1 Miles

